

Appl. No. 09/980,727
Amdt. Dated November 6, 2003
Reply to Office Action of May 6, 2003

III. REMARKS

Reconsideration of the present application as amended is respectfully requested.

Claims 1-18 are currently pending. Claims 1-18 have been amended. Claim 19 has been canceled without prejudice. It is respectfully submitted that no new matter has been added by virtue of the present amendment.

A. Claim Objections

In the Office Action, claims 5, 8 and 17 were objected on the grounds of a “lack of correspondence in the claimed subject matter.” In response, claims 5 and 14 and claims 8 and 17 have been amended in order to have corresponding claim language.

B. Rejections Under 35 U.S.C. § 112, second paragraph

In the Office Action, claims 2 and 11 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite based on the term “such as.” In response, claims 2 and 11 have been amended to delete this term.

C. Rejection Under 35 U.S.C. § 101

In the Office Action, the Examiner rejected Claim 19 as indefinite “because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process . . .” In response, claim 19 has been canceled.

D. Rejections Under 35 U.S.C. § 102(b)

In the Office Action, the Examiner rejected Claims 1-19 under 35 U.S.C. § 102(b) as being anticipated by Lentz et al. The Examiner further rejected claims 5, 8, 9, 14, 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Lentz et al.

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In response, the Examiner is directed to independent claims 1 and 10 which have been amended to recite, in pertinent part, a controlled release matrix consisting essentially of at least one active agent and at least one starch, the controlled release matrix being formed by co-extrusion of the active agent and the starch, and the starch being amorphous or partially amorphous.

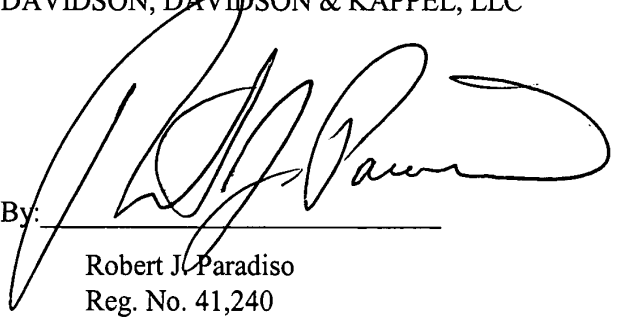
Applicants respectfully submit that Lentz et al. does not teach or suggest a composition or method as recited in the present claims.

IV. Conclusion

In view of the amendments made and arguments presented, Applicants believe that the claims are in condition for allowance. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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